



U.S. Citizenship
and Immigration
Services

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FILE:

Office: TEXAS SERVICE CENTER Date:

SEP 07 2005

IN RE:

Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as an alien of exceptional ability or a member of the professions holding an advanced degree. The petitioner seeks to employ the beneficiary as a registered nurse. The director found that the petitioner had failed to submit numerous required documents, and that therefore the petition could not be approved.

We note that the petitioner filed the appeal on Form EOIR-29 rather than Form I-290B. It may be that the director mistakenly provided the wrong appeal form with the denial notice, but it is not clear whether this is the case.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the appeal notice, the petitioner indicated that no separate brief or statement would be forthcoming. The petitioner also expressed, without elaboration, a desire for oral argument. A request for oral argument must set forth facts explaining why such argument is necessary to supplement the appeal. 8 C.F.R. § 103.3(b). The request fails to set forth facts explaining why such argument is necessary, and the request must therefore be denied.

The assertion that the petitioner desires oral argument is not sufficient basis for a substantive appeal. The petitioner’s appellate submission includes no statement or evidence to indicate the basis for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.